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Hungerford Civic Association
c/o 193 Hardy Place
Rockville, MD 20852
October 29, 2008

2008 OCT 31 PM 4:35

Scott Ullery, City Manager
City of Rockville
111 Maryland Avenue
Rockville, MD 20850

Exhibit No. 104
Zoning Ordinance Rewrite
PH Dates: 6/16 & 6/30/08

Re: Marlo Furniture warehouse use proposal

Dear Mr. Ullery,

Representatives of Marlo recently entered discussions with us to request our support for use of a portion of the Marlo building for self storage warehousing. As we understand the proposal, it wouldn't change the outside of the building, wouldn't result in any parking outside of the building's parking lot and may even reduce traffic from its current use. We invited them to present at our Hungerford Civic Association meeting on October 23. A majority of those present voted in favor of endorsing a change to the zoning applicable to the site to allow this usage with the proviso that neighborhood interests be protected in the provision of this permission.

This same issue was raised 8 years ago and in that process my predecessor David Hill acting in the capacity as president of the Hungerford Civic Association sent a letter to the City setting forth our position. We attach this letter and reiterate the concerns stated in that letter.

While we approve of a self storage facility in this location with the limitations set forth in the attached letter, we do not wish to make this a city wide position for this type of zoning. That would require a broader discussion with more stakeholders. Accordingly we would limit this permission if possible strictly to this site and this franchisee.

Sincerely,



Carl Henn
President, Hungerford Civic Association

May 9, 2000

Hungerford/Stoneridge Civic Assoc.
c/o 340 W. Edmonston Drive
Rockville, MD 20852

Robert Spalding, Chief of Planning
City of Rockville
111 Maryland Ave.
Rockville, MD 20850

Re: Marlo Furniture warehouse use proposals

Dear Mr. Spalding,

We write to acknowledge recent meetings with Marlo Furniture Company regarding their proposals on alternate uses for their warehouse, and our organizational opinion. At our first meeting April 5th, Marlo representatives gave a presentation on their proposals. At a follow-up meeting April 26th, the Association discussed and reached consensus on a collective position [described herein] that the present membership voted unanimously to approve.

The options Marlo representatives presented to the Association for alternative uses of the warehouse portion of their building on Rockville Pike were: 1) operating a franchised self-storage facility within their existing building, 2) converting it for leased office space, and 3) converting it for leased commercial retail uses. Supporting space utilization, build-out and transportation data were provided for each option. The need for a substantial parking structure to support office and retail uses was identified. Marlo expressed their preference for installing a self-storage facility. They suggested this as the least intrusive to surrounding land use. They also explained business motivations of requiring the least start-up investment on their part and fullest space utilization. They noted that this use most closely parallels their existing approved warehouse purpose of this space for their business. However, for storage beyond their own use, a text amendment to the City ordinance is necessary, since the underlying zoning does not allow this use. Office and retail uses are compatible with the existing zoning. Finally, an interest was expressed in modifying the appearance of their building, to perceptually minimize its apparent bulk and sparseness; and our ideas were solicited regarding features to accomplish this.

In general, foremost neighborhood impact concerns are increased traffic and minimizing the incongruity of massive building structures dominating detached family residences. The membership concurred that the proposed self-storage use, if set-up and operated as described, appeared to pose the least impact of the options. Yet we have an additional general concern applicable to such use. Would this specially amended self-storage use be appropriate in this zone and compatible with a residential neighborhood? This proposed use is traditionally classified as light industrial and therefore is zoned into such areas throughout the City and region. In further discussion, two angles on this concern solidified. First, would accommodating this use undermine the planned zoning of this site posing future problems on-site, in relation to residences, or set undesirable precedent in a sensitive City area? Second, encroaching industrial uses commonly have a blighting effect on nearby residential areas. Notwithstanding the promised low-visibility of this proposal, would its very nature present a perceptual aspersion on the desirability of proximate residential areas? Our consensus was inconclusive on these aspects. Therefore, the Association position is conditional on aspects motivated by this two-part concern.

Our collective position is that we can support the proposed self-storage option given adequate public review of potential permutations of use. We believe the best vehicle for this review is to write a text amendment that is very narrow. It should be specific to this use at this site. And, if legally possible, granted only to this property owner and this franchisee; or at least be non-transferable without City/public

review. The objective is to make those seeking this approval directly accountable for it and to prevent the mutation of this specially granted use into an objectionable operation. We think this will promote a quality implementation and prevent a potential degradation of zoning effectiveness.

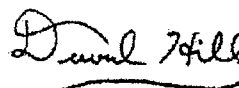
Further, we propose that the following enumerated items should govern the operation of this specially granted use. While this detail probably is not appropriate in the text amendment itself, we suggest that these be included in a binding operating agreement with the City.

- All storage activity must occur within the existing building. Parking of loaded trucks or trailers, and the storage of recreational vehicles outside should be prohibited.
- Wholesale leasing of multiple units or sub-divided warehouse space is not permitted.
- Entry of vehicles must occur through the entrance on the north façade of the building and handling of stored materials must occur within the building structure. Limited instances of protruding over-sized vehicles or use of existing loading bays can be exceptions, but not regular operating practice.
- Noise and hours-of-operation ordinance for activities in residential areas should apply.
- Generated refuse must be handled in appropriate, screened containers.
- A suitable plan for handling eviction of storage tenants must be arranged. The common practice of piling the property of evicted tenants outside the storage business is not acceptable here.
- An agreement for "understated" signage of this supplemental site use is desirable, preventing further visual clutter atop Marlo's pronounced signage/presence and to de-emphasize this light industrial use amid the Rockville Pike corridor and adjoining the neighborhood.
- The main traffic pattern for access to the storage facility should not occur from Fleet Street, since this would encourage more traffic closer to the neighborhood, and possibly cut-through traffic.

We look to the City to account for protections addressing these concerns and items in granting this use. Given this, we can support this alternative use. A sentiment is present to support local businesses, making reasonable accommodation to assure their prosperity, and thereby the economic health of the City. We believe our position is a reasonable accommodation(s). If this position cannot be met, we withhold support of the proposed self-storage use and prefer an office space use. Office use is preferred over retail, due to lower expected traffic at times that will vary from major neighborhood traffic spikes.

Lastly, our majority favors adding architectural features to the Marlo building to improve its appearance. Performing such alterations along with use modifications, seems like a good time to do so. However, we have no suggestions on specific additional features.

Sincerely,



David Hill, Officer
Hungerford/Stoneridge Civic Assoc.

cc Julia Novak, Deputy City Manager [acting Dir. of Comm. Planning and Dev. Services]
Carol Ann Perovshek, Neighborhood Resource Coordinator
Adam Glickfield, Marlo Furniture representative

Exhibit No. 125
Zoning Ordinance Rewrite
PH Dates: 6/16 & 6/30/08



To:
Cc:
Bcc:
Subject: Fw: Comment on Proposed Revisions to the City's Zoning Ordinance

Barbara Elesh

I live on Azalea Drive in the Regents Square par...

11/07/2008 05:59:32 PM

From: Barbara Elesh <BarbaraElesh@westat.com>
To: "mayorcouncil@rockvillemd.gov" <mayorcouncil@rockvillemd.gov>
Date: 11/07/2008 05:59 PM
Subject: Comment on Proposed Revisions to the City's Zoning Ordinance

I live on Azalea Drive in the Regents Square part of Woodley Gardens. The City is considering changing the zoning of the Woodley Gardens Shopping Center, and I would like to add my comments.

It is good for the neighborhood to have a busy, successful little shopping center. If shops are vacant or if certain businesses attract loiterers, the safety of the neighborhood, including the park, is jeopardized. The two-story shopping center as it currently is is a pleasant size. A third floor could still maintain the character of the area (and would require an elevator, making it ADA accessible - which the second floor is not currently.) A fourth floor would tip the scales the other way - scale too big for the two-story residences throughout the entire neighborhood, too much traffic, parking problems.

If there is a way to limit the height of the shopping center building(s) to no more than three stories, I would support that. But if a change would be only from the present two-story to four-story, I would oppose such a change.

Thank you for the opportunity to comment.

Barbara M. Elesh
887 Azalea Drive
Rockville, MD 20850

Add to Section 25.14.27, PD-TO Zone

(November 12, 2008)

In the ground floor of an office building containing at least 190,000 gross square feet, located on a lot containing at least 2.5 acres, a Full Service Restaurant shall be a permitted use and shall be considered an Accessory Restaurant for all purposes, except that the restaurant is allowed an exterior entrance and the exterior signage is governed by the Planned Development Governing Documents, including the Comprehensive Signage Plan. Such restaurant must contain a minimum of 7,500 and a maximum of 10,000 gross square feet, of which less than 10% of that area may be used for a bar. Notwithstanding other provisions of Section 25.14.07.e, such restaurant use need not be separately listed as a use for a particular parcel in the approved Concept Plan for the Planned Development, so long as the principal office use is listed for that parcel.

5793866_v2

Fw: Addition to PD-TO Zone (Draft)
Deane Mellander to: Brenda Bean

11/12/2008 09:25 AM

Here's Bill's.

Deane Mellander
Zoning Administrator
240-314-8224
fax 240-314-8210
111 Maryland Avenue
Rockville, MD 20850

----- Forwarded by Deane Mellander/RKV on 11/12/2008 09:25 AM -----

From: <william.kominers@hklaw.com>
To: <sullery@rockvillemd.gov>
Cc: <SSwift@rockvillemd.gov>, <DMellander@rockvillemd.gov>, <JWasilak@rockvillemd.gov>, <cindy.bar@hklaw.com>, <ajkohn@towercompanies.com>
Date: 11/11/2008 03:49 PM
Subject: Addition to PD-TO Zone (Draft)

Scott,

Attached, per our discussion, is a draft of an addition to the PD-Tower Oaks Zone (in the new Ordinance) to try to achieve the goal of allowing a high quality tablecloth restaurant in the new 2000 Tower Oaks Boulevard office building. This tries to accomplish the goal with a method of very limited applicability, and in a way that does not require years of processing. Our client is looking at this draft simultaneously, to make certain that it will meet the needs of the restaurants they are speaking to.

This issue/approach is the subject and purpose of our meeting next Monday with the Mayor. Per your instruction, I have copied Planning Staff.

Suggestions welcome.

Thank you.

Bill Kominers
301-215-6610



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ATTORNEYS

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November 6, 2008

Exhibit No. 127
Zoning Ordinance Rewrite
PH Dates: 6/16 & 6/30/08

Mr. Jim Wasilak
Ms. Sandra Smith
Mr. Dean Mellander
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Revised Requests as to Political Signs

Dear Madam & Sirs:

We represent the Transportation Communications Union which was recently cited by the City for having a political sign in excess of the maximum 12 square feet allowed for temporary signs in a non-residential zone. Our client's property is zoned I-3 and backs up to Interstate I-270. The sign in question was mounted to the rear face of the building facing I-270. The sign was secured tightly to the face of the building so as not to create any possible safety issue. The maximum allowable square footage for all signage in the I-3 zone is 250 square feet.

We previously wrote to you on October 31, 2008 that that as part of your review and re-write of the City's Zoning Ordinance, that serious consideration be given to increasing the maximum square footage for election signs on buildings located in non-residential zones. We strongly recommend the following revised standards for such temporary political signs;

1. Only 1 sign is permitted not to exceed 125 square feet in size, if the sign is mounted to the top floor of face of the building. The sign cannot cover a window.
2. No single sign may exceed 48 square feet in size if the sign is free standing.
3. Since such signage is temporary the square footage does not count towards the maximum allowable permanent square footage allowed in the applicable zone.
4. Such signs can be illuminated.

The change from our earlier letter relates to allowing election signs to be illuminated. Upon reflection we recognized that illumination for temporary election signs will not adversely affect the use and enjoyment of adjoining properties nor adversely



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affect any other concerns the City might have but will allow the message to be seen at all times of the day.

5. Such signs if mounted to the building must be safely secured.
6. Such signs must be removed within 60 days of installation.

Very truly yours,

Martin J. Hutt

MJH:kss
cc: Mitchell Kraus